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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re)	
)	
ELECTRONIC CASE)	INTERIM OPERATING ORDER
FILING PROCEDURES)	
)	Number 8
)	
)	(Effective October 1, 2004)

Pursuant to General Order No. 69 the court has authorized the electronic filing of documents. General Order No. 87 requires that attorneys and trustees file their documents electronically . This operating order sets forth the rules and procedures for the electronic filing, signing, verification and service of pleadings and papers in bankruptcy cases.

IT IS ORDERED that:

1. The electronic filing of a petition, pleading, motion or other paper by an attorney or other filer who is a registered participant in the Electronic Filing System shall constitute the signature of the attorney or other filer for purposes of federal law. An original signature document shall be retained by the filing attorney or other filer as provided in the *Administrative Procedures for Electronically Filed Cases*.
2. An original declaration containing a verification of the petition, lists, schedules, statement of affairs and debtor(s)' social security number, as shown at Exhibit 1, shall be filed with the clerk as a separate document. Failure to timely file the signed original declaration within the time periods stated in Exhibit 1 shall result in dismissal of the case without further notice.

1 3. Any password issued for electronic filing shall be used only by the attorney or other filer to
2 whom the password is assigned and authorized agents or employees of such attorney or other filer.

3 4. The *Administrative Procedures for Electronically Filed Cases*, at Exhibit 2, are
4 approved.

5 5. Every petition, pleading or other paper served or filed in accordance with the
6 *Administrative Procedures for Electronically Filed Cases* shall indicate a signature using the initials and
7 either the state bar identification number or the last four digits of the social security number of the attorney
8 or other filer signing such pleading or other document; e.g. "J.D. 1234."

9 6. Passwords will only be issued to specified individuals and not to entities, such as law firms.

10 7. A limited use password may be issued to parties, who are not attorneys, for the purpose
11 of filing applications for compensation by professionals, operating and other reports, reaffirmation
12 agreements, affidavits of service or process and allowed filings by bankruptcy petition preparers, proofs of
13 claim, assignments/transfers of claims and requests for notice electronically as further provided in the
14 *Administrative Procedures for Electronically Filed Cases*.

15 8. The electronic filing of a pleading or other document in accordance with the Electronic Filing
16 Procedures by a party, shall constitute entry of that pleading or other document on the docket.

17 9. The clerk or judge shall enter all orders, decrees and judgments in the electronic filing system,
18 which shall constitute entry of the order, decree or judgment on the docket for all purposes. Any order or
19 other court issued document filed electronically without the original signature of a judge or clerk has the
20 same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered
21 on the docket in a conventional manner. Orders may also be issued as "text-only" entries on the docket,
22 without an attached document. Such orders are official and binding. The court may sign, seal and issue a
23 summons electronically, although a summons may not be served electronically. The clerk may serve any
24 notice required by Fed. R. Bankr. P. 9022 by electronic means on any party who has consented to such
25 service as further provided in the *Administrative Procedures for Electronically Filed Cases*.

26 10. Anyone electronically filing a pleading or other document, when required to serve a copy
27 on those parties entitled to service in accordance with applicable law or court order, may make service of
28 the pleading or document on any attorney, or other party, who is a registered Electronic Case Filing

1 participant, or who has otherwise consented in writing to service by electronic means, as set forth in the
2 *Administrative Procedures for Electronically Filed Cases*. Such electronic service constitutes service
3 of the pleading, decree, order, judgment or other document.

4 11. Notwithstanding paragraph 10, and unless otherwise ordered, anyone electronically filing
5 a pleading or document, when required to serve a copy on those parties entitled to service in accordance
6 with applicable law or court order, shall serve paper copies of the pleading or document on the following
7 parties:

- 8 a. Debtor, when service on both debtor and debtor's attorney is required.
- 9 b. Notices required by applicable law or court order to be served on all creditors.
- 10 c. All parties entitled to service who are not registered Electronic Case Filing
- 11 participants or who have not otherwise consented in writing to service by electronic means.

12
13 12. An attorney or other filer filing a pleading or other document in a case on the Electronic Filing
14 System shall include, if such exists, the attorney's fax number and Internet E-Mail address. An attorney or
15 other filer shall notify the court of any changes in address, phone numbers or e-mail address.

16 13. A Filing User whose filing is made untimely as the result of a technical failure may seek
17 appropriate relief from the court.

18 14. In connection with the filing of any material in an action assigned to the Electronic Filing
19 System, any person may apply by motion for an order limiting the electronic access to or prohibiting the
20 electronic filing of certain specifically identified materials on the grounds that such material is subject to
21 privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy
22 interests. Information posted on the System must not be downloaded for uses inconsistent with the privacy
23 concerns of any person.

24 15. Amendments to these rules may be made as required. Final rules will be ultimately enacted
25 into this Court's local rules.

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16. Deviations from the above provisions shall be by written order only.

DATED: September 14, 2004

/s/ Sarah Sharer Curley
SARAH SHARER CURLEY.
Chief United States Bankruptcy Judge

/s/ George B. Nielsen Jr.
GEORGE B. NIELSEN, JR.
United States Bankruptcy Judge

/s/ Redfield T. Baum
REDFIELD T. BAUM
United States Bankruptcy Judge

/s/ James M. Marlar
JAMES M. MARLAR
United States Bankruptcy Judge

/s/ Charels G. Case II
CHARLES G. CASE II
United State Bankruptcy Judge

/s/ Randolph J. Haines
RANDOLPH J. HAINES
United States Bankruptcy Judge

/s/ Eileen W. Hollowell
EILEEN W. HOLLOWELL
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re

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BANKRUPTCY CASE NO.

Debtor(s)

DECLARATION RE: ELECTRONIC FILING

PART I - DECLARATION OF PETITIONER:

I [We] _____ and _____, the undersigned debtor(s), corporate officer or partnership member, hereby declare under penalty of perjury that the information I have given my attorney and the information, including social security numbers, provided in the completed petition, lists, statements and schedules is true and correct. I have reviewed and signed each of the foregoing completed documents and my attorney has provided me with a signed copy of each to retain for my records. I consent to my attorney electronically filing the completed petition, lists, statements and schedules with the United States Bankruptcy Court. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after all schedules and statements have been filed electronically but, in no event, no later than 20 days after the date the petition was filed or, in the event an extension has been granted, no later than 5 days after the schedules and statements are filed. I understand that failure to file the signed original of this **DECLARATION** will cause my case to be dismissed without further notice.

G [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of 11 United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition.

DATED: _____

Signed: _____
Debtor

Joint Debtor

(If joint case, both spouses must sign)

Authorized Corporate Officer or Partnership Member

PART II - DECLARATION OF ATTORNEY:

I declare as follows: The debtor(s) will have signed this form before I submit the petition, schedules and statements. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court and have complied with all other requirements in the most recent Interim Operating Order. If an individual, I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter.

DATED: _____

Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

"Administrative Procedures for Electronically Filed Cases"

Exhibit 2 to Interim Operating Order Number 8
October 1, 2004

ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM ("System")

A. Passwords. Each attorney admitted to practice in this Court and each trustee shall be entitled to one or more System passwords to permit the attorney or trustee to participate in the electronic filing of pleadings and other documents in accordance with the System. Other filers may be issued limited use passwords that permit the electronic filing of only certain types of documents.

B. Registration.

1. A registration form, in a form prescribed by the clerk, shall be submitted for each attorney or trustee and for each password.

2. All registration forms shall be mailed or delivered to the Office of the Clerk, United States Bankruptcy Court, District of Arizona, 2929 North Central Avenue, 9th Floor, or by mail, P.O. Box 34151, Phoenix, Arizona, 85067-4151, Attn: Sue Christensen.

3. Users may find it desirable to change their Court assigned passwords periodically and this can be done by the user in the system. In the event that a user believes that the security of an existing password has been compromised and that a threat to the System exists, the user shall give immediate notice by telephonic means to the Clerk of Court, Chief Deputy Clerk or Systems Department Manager and confirm by facsimile in order to prevent access to the System by use of that password.

4. The following non-attorney persons may be issued a limited use password for the electronic filing of the documents stated after submitting the registration form required by the clerk.

- a. Creditor, employee or agent of creditor for filing of proofs of claim, assignments/transfers of claims, requests for notice and reaffirmation agreements.
- b. Non-attorney professionals for filing applications for compensation and expenses and reports prepared for the debtor or trustee.
- c. Bankruptcy petition preparers that are certified by the Arizona Supreme Court for the filing of creditor lists, schedules, statements and the preparer's disclosure of compensation.
- d. Process servers for filing affidavits/certificates of service of process.

5. An attorney or other user shall notify the court in writing of any change in address, phone number, fax number or e-mail address. In addition, whenever an attorney changes firm affiliation there shall be electronically filed in each case in which that attorney has appeared a notice as to the attorney and law firm that will thereafter represent that party.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing.

1. Except as expressly provided for in paragraph III.A., all motions, pleadings, memoranda of law, or other documents required to be filed with the Court when filed by an attorney or trustee shall be electronically filed on the System.

2. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number, e.g., the motion, memorandum of points and authorities and exhibits thereto.

3. Before filing a scanned document with the court, the person electronically filing the document must verify its legibility.

B. Exhibits.

1. Exhibits and/or other attachments to a pleading or other document are to be electronically filed, in their entirety, with the pleading or other document except as provided below.

2. Alternatively, in lieu of electronic filing of the complete exhibits/attachments, the filer may file a list of the exhibits or attachments with a summary of each item on the list. If such a list and summary are filed, complete copies of the exhibits/attachments shall be served on those parties entitled by the Federal Rules of Bankruptcy Procedure or the Local Rules of Bankruptcy Procedure to receive a copy and on chambers if required by the judge.

3. Notwithstanding the above, all exhibits to a disclosure statement, amended disclosure statement, plan or amended plan shall be electronically filed in their entirety.

4. Exhibits/attachments to a proof of claim, if electronically filed by the claimant or agent of the claimant, shall be electronically filed in their entirety or alternatively, a list and summary may be filed as provided above. If such a list and summaries are filed, copies of the entire documents shall be served on the case trustee and the attorney for the debtor. If filed on paper, the clerk shall image and electronically file any exhibits/attachments which do not exceed ten pages in total. If the

exhibits/attachments exceed ten pages, the clerk will electronically file only the claim and the paper exhibits and attachments will be sent to the case trustee or the attorney for the debtor-in-possession in a chapter 11 case.

5. Ballots. The original ballots are not to be filed with the Court, but are instead to be sent by the party completing the ballot directly to the attorney for the debtor or other plan proponent who shall retain the original ballots for the time period specified for original signature documents. The attorney for the debtor or other plan proponent shall electronically file a report of the balloting.

C. Service.

1. Each person electronically filing a pleading or other document shall either electronically serve, as provided in paragraph 2 below, the pleading or document on those parties entitled by the Federal Rules of Bankruptcy Procedure (FRBP) or the Local Rules of Bankruptcy Procedure (LRBP) to receive a copy or serve a paper copy in the manner provided in the FRBP and the LRBP. A paper copy of the "Notice of Electronic Filing" and of the electronically filed pleading or document, are to be delivered by hand or mail to the judge assigned in the case; when required by paragraph 4 below.

2. A party filing electronically is not required to serve the pleading or other document and may serve by electronic means the "Notice of Electronic Filing" generated by the System on any party who is a registered Electronic Case Filing participant and has been issued a live System password or who has otherwise consented to service by electronic means. Service of a paper copy

is required of any exhibits to the pleading or other document, that are not electronically filed in their entirety.

3. Service of Order or Judgment by clerk. The clerk is authorized to serve on those parties, who have consented to service by electronic means, the notice of entry of an order or judgment by service of the “Notice of Electronic Filing” generated on the entry of the order or judgment. For such electronic service to be accomplished by the Court’s server, the consenting party must enable the System provided e-mail notification so that such service can be made. Such electronic service will be noted on the docket when the docket report is generated which includes the links to the “Notices of Electronic Filing.”

4. Paper copies of documents filed electronically are only required for the Court in the following instances:

a. Clerk’s office only when, during the filing of the document, the filer is instructed to submit a copy to the court.

b. Judge’s copy. A copy is required to be sent to the judge when the document filed relates to a matter that will be or has been set for hearing and the document exceeds twenty pages, including attachments, unless otherwise directed by a judge.

D. Signatures; Affidavits of Service. Petitions, lists, schedules, statements, amendments, affidavits, and other documents which must contain original signatures or which require verification under FRBP 1008 or an unsworn declaration as provided in 28 USC section 1746, shall be filed electronically with originally executed documents maintained by the filer. The original executed Declaration Re: Electronic Filing shall be filed with the Clerk.

E. Fees Payable to the Clerk. For attorney filings that require a fee, the fee shall be paid by using a credit card on-line through the ECF internet filing fee payment process no later than 72 hours from the filing of the document. A document, other than a petition, electronically filed that requires a filing fee shall be deemed lodged, and not filed, and no further action shall be taken until the filing fee is paid. Failure to timely pay the filing fee constitutes good cause for the clerk to suspend the filers ECF password until such time as all outstanding fees are paid.

F. Orders. An attorney or trustee presenting a proposed order shall submit the order electronically using the Order Upload feature in ECF. Unless otherwise permitted or directed by the court, proposed orders on paper will not be accepted. The clerk, deputy clerk or the judge will make the appropriate entry on the System to docket an order.

G. Title of Docket Entries. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the entries contained in the system.

H. Retention of Original Signature Documents. The attorney or other user electronically filing a document shall retain (as set forth below) the paper document containing the original signature(s) for the longer period of one year after the case is closed or all appeals are finalized unless the Court orders a different period. This retention requirement does not affect or replace any other retention period required by other applicable law or rules.

1. Pleading or other document signed by electronic filing attorney/other user. No original signature document need be retained.

2. Petitions, lists, schedules, statements, amendments, affidavits or other documents requiring a signature other than the filing attorney/other user. Original signature paper documents shall be retained for the time period stated above.

3. Stipulation or other documents signed by two or more persons. The paper document containing the original signatures of all signatories shall be retained for the time period stated above.

4. If an original signature document subject to these retention provisions is returned to the client, the attorney shall advise the client of the requirement to retain the document as stated above.

III. CONVENTIONAL FILING OF DOCUMENTS

The following documents shall be filed conventionally on paper and not electronically.

1. Document(s) to be filed under seal. However, a motion to file documents under seal shall be filed electronically. The order of the Court authorizing the filing of such document(s) under seal shall be filed electronically by the Court and shall indicate that the motion to file documents under seal has been granted. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the clerk;

2. Trial or Hearing Exhibits; and

3. Paper documents filed by pro se parties and any paper documents filed by attorneys that are accepted, and not rejected, by the court. The clerk shall image and electronically file those documents.

4. Proofs of Claims, Assignments, Transfers of Claims and Requests for Notice may be filed on paper by those claimants or person who are not required to file electronically.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access without a Password. Any person or organization with a valid PACER login and password may access the System at the Court's Internet site at <http://ecf.azb.uscourts.gov>. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents and will be on a "read only" basis.

B. Public Access at the Court. The public will have electronic access to the documents filed in System and to the System docket in the Office of the Clerk, for viewing during regular business hours, Monday through Friday.

C. Conventional Copies and Certified Copies. Paper copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, during business hours Monday through Friday. The fee for copying and certification will be in accordance with 28 USC Section 1930.